

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

D.J., Administrator of the Estate of J.J.,
Deceased; and AVIATION WEST
CHARTERS, LLC d/b/a ANGEL
MEDFLIGHT,

Plaintiffs,

v.

THE BANK OF NEW YORK MELLON
CORPORATION FLEXIBLE BENEFIT
PLAN and THE BANK OF NEW YORK
MELLON, INC.,

Defendants.

Case No. 2:22-cv-1127

[PROPOSED] ORDER

AND NOW, this ____ day of _____, 2022, upon consideration of the Motion of Defendants, The Bank of New York Mellon Corporation Flexible Benefit Plan and The Bank of New York Mellon Inc., for entry of an Order pursuant to rules 12(b)(6) and 12(e) of the Federal Rules of Civil Procedure dismissing the claims of Aviation West Charters, LLC d/b/a Angel Medflight, and requiring a more definite statement (the “Motion”), it is ORDERED that:

- A. The Motion is GRANTED;
- B. All claims by Aviation West Charters, LLC d/b/a Angel Medflight are DISMISSED WITH PREJUDICE for lack of standing; and
- C. Plaintiffs are ORDERED to file and serve a more definite statement distinguishing which Plaintiff is bringing which claims against which Defendant within 28 days

of the date of this Order.

BY THE COURT:

Arthur J. Schwab, Senior Judge